

REMARKS

This Amendment is responsive to the Office Action mailed on May 23, 2005.

As a preliminary matter, Applicant would like to thank the Examiner for the courteous and productive telephone interview held on June 1, 2005, details of which are set forth below.

Claims 1, 16-18, 22, 29, 30, and 37-39 are amended. Claims 1-42 remain pending.

The Examiner has indicated that claims 7, 11, 20, 21, 28, 32, 41, and 42 contain allowable subject matter.

Claims 16-19 and 37-40 have been rejected as being indefinite. The claims are amended herein to overcome the indefiniteness rejection. Withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4-6, 8-10, 12, 23, 25-27, 29-31, and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kolt (US 4,416,415).

Claims 3, 13, 24, and 34 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Kolt in view of Hedrick (US 3,592,240).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claims 1, 16-18, 22, and 37-39 are amended as discussed and agreed with the Examiner during the June 1, 2005 Examiner interview, details of which are set forth below. Claims 29 and 30 are amended to conform to the amendments made to claim 22.

Discussion of June 1, 2005 Telephone Interview with the Examiner

On June 1, 2005, Applicant's undersigned counsel participated in a telephone interview with the Examiner, during which the rejections set forth in the Office Action were discussed.

In particular, the section 112 rejections of claims 16-19 and 37-40 were discussed. The Examiner agreed that the present amendments to these claims would overcome the section 112 rejections.

Further, Applicant's counsel discussed with the Examiner the differences between independent claims 1 and 22 and the disclosure of Kolt. As discussed with the Examiner, Kolt does not show a plug body which separates a section of an airflow duct into at least two sections. Further, Kolt does not show dampers mounted on the distal end of such a plug body each of which controls the airflow in a respective airflow section.

The Examiner agreed that claims 1 and 22 would overcome the rejection in view of Kolt if the claims were amended to clarify that the plug body extends across the section of the airflow duct, thus making it clear that the duct was separated into separate sections by the plug body.

Applicant further pointed out that Hedrick disclosed a damper arrangement similar to that disclosed in Kolt, which is designed to be mounted in a wall or ceiling at the entry of the duct work. Accordingly, as discussed with the Examiner, the features of amended claims 1 and 22 are not disclosed or suggested by Kolt or Hedrick.

The Examiner agreed that with the amendments set forth herein, the claims would overcome the pending rejections set forth in the Office Action. However, the Examiner indicated that he would undertake a further prior art search before advising as to the allowability of independent claims 1 and 22.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Kolt, taken alone or in combination with any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the agreement reached with the Examiner. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103 (a) and § 102(b) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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